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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,813	12/05/2001	Takanobu Matsubara	914-147	2833

7590 06/17/2004

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EXAMINER

DINH, NGOC V

ART UNIT	PAPER NUMBER
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2187

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/001,813

Applicant(s)

MATSUBARA ET AL.

Examiner

NGOC V DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### INFORMATION DISCLOSURE STATEMENT

1. The Applicant's submission of the IDS filed 12/05/01 have been considered. As required by M.P.E.P. 609 C(2), a copy of the PTOL-1449 is attached to the instant office action.

### STATUS OF CLAIM FOR PRIORITY IN THE APPLICATION

2. As required by M.P.E.P. 201.14(c) acknowledgement is made of applicant's claim for priority based on applications filed 12/26/00 and 04/26/01 in Japan.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-48 are rejected under 35 U.S.C.102 (b) as being anticipated by Yonemitsu et al. PN 5,903,705.

Yonemitsu teaches:

**Per claims 1, 20, 29, 30, 39 and 40,** Yonemitsu teaches a data reproduction system reading out, using a data reader, data recorded in a recording medium using a data recorder, said data recorder [10, fig. 2] comprising: a storage circuit storing data, a detection circuit detecting a date [30, fig. 2], a set circuit setting a time limit [10, fig. 2; col. 7, lines 40-45] allowing output of said data using said data reader, and a record circuit connected to said storage circuit, said detection circuit and said set circuit to record the data stored in said storage circuit, the time limit [e.g., territory code; col. 8, lines 1-5] set by said set circuit, and a recorded date of recording said data and said time limit detected by said detection circuit into said recording medium, said data reader [10, fig. 2] comprising: a detection circuit detecting a date, a read circuit reading out said time limit and said recorded date from said recording medium [fig. 2], a determination circuit [34, fig. 2; col. 6,

lines 64-67] connected to said detection circuit and said read circuit of said data reader to determine whether output of said data recorded in said recording medium is allowed or not [e.g., allowability of reproduction of the encoded data reproduced from the recording medium; col. 7, lines 10-15] based on said time limit and said recorded date read out by said read circuit and a current date detected by said detection circuit, and an output circuit connected to said determination circuit to read out said data from said recording medium for output when output of said data is allowed [fig. 1-2; col. 1, lines 15-45; col. 2, lines 25-45; col. 3, lines 20-60; col. 4, lines 35-55; col. 6, lines 40-60; col. 7, lines 10-60; col. 8, lines 1-45; col. 9, lines 33-40].

**Per claim 10**, Yonemitsu teaches the claimed limitation as mentioned above, and Yonemitsu further teaches “data reader determining whether output of said data recorded in said recording medium is allowed or not based on a time limit and recorded date read out from said recording medium and a current date, and reading out said data from said recording medium for output when output of said data is allowed.” [e.g., allowability of reproduction of the encoded data reproduced from the recording medium, [col. 7, lines 10-15; col. 8, lines 1-5].

**Per claim 11**, Yonemitsu teaches the claimed limitation as mentioned above, and Yonemitsu further teaches “a data reader, data written into a recording medium using a data recorder, said data recorder recording into said recording medium said data, a time limit allowing output of said data using said data reader, and a recorded date of recording said data and said time limit in said recording medium”, [col. 7, lines 10-15; col. 8, lines 1-5].

**Per claims 2, 12, 21, 31, 41**, data reader further comprising an overwrite circuit connected to the detection circuit of said data reader to overwrite the recorded date recorded in said recording medium with the current date detected by said detection circuit [abstract].

**Per claims 3, 13, 22, 32, 42**, determination circuit comprises includes a circuit determining that output of said data recorded in said recording medium is allowed when said current date is after said recorded data and before said time limit col. 6, line 64 to col. 7, line 18.

**Per claims 4, 14, 23, 33, 43**, detection circuit of said data reader includes a circuit detecting a date of commencing output of said data, a circuit detecting an elapsed time [e.g., pre-set time period has elapsed; col. 8, lines 20-25] from said date of commencing output, and a circuit detecting a current date based on said date of commencing output and said elapsed time [col. 8, lines 1-25; col. 10, lines 20-25].

**Per claims 5, 15, 24, 34, 44,** data reader further comprising an incorrect date detection circuit detecting that said current date is incorrect when said current date is before said recorded date [col. 6, lines 40-65].

**Per claims 6, 16, 25, 35, 45,** data reader further including a processing circuit connected to said incorrect date detection circuit disabling output of said data from said recording medium when detection

is made that said current date is incorrect [col. 6, line 66 to col. 7, line 15]

**Per claims 7, 17, 26, 36, 46,** data reader further comprising a monitor date storage circuit [37, fig. 2] connected to said detection circuit of said data reader to store the date detected by the detection circuit of said data reader as a monitor date, wherein said determination circuit comprises a circuit determining whether output of said data recorded in said recording medium is allowed or not based on said time limit, said recorded date, said monitor date and said current date [col. 8, lines 1-25].

**Per claims 8-9, 18-19, 27-28, 37-38, 47-48,** Yonemitsu teaches determination circuit comprises a circuit determining that output of said data recorded in said recording medium is allowed when said current date is after said recorded date, after said monitor date, and before said time limit; data reader further comprising an incorrect date detection circuit detecting that said current date is incorrect when said current date is before said monitor date [col. 6, lines 48-60; col. 7, lines 10-45; col. 8, lines 1-25].

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Wakui PN 6,377,744 discloses Reproducing apparatus with limit date & time information.
  - b. Park et al PN 6,504,997 discloses Optical disk recording with predetermined allowable intervals.
  - c. Tsukamoto et al US RE38,007 discloses controlled access with limited reproduction right in data.
  - d. Shibata Akihiro JP02003196895 discloses reproducing device which can make settings of inhibiting or allowing recording and reproduction based on limited time and date.

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e. US 2002/0064096 Ukita et al discloses reproduction apparatus and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc Dinh whose telephone number is (703) 305-3023. The examiner can normally be reached on Monday-Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A. Sparks, can be reached on (703) 308-1756. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

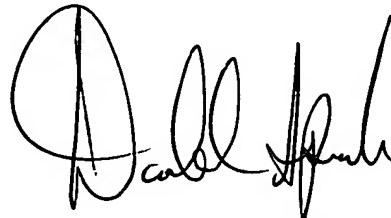


NGOC DINH

Patent Examiner

ART UNIT 2187

June 8, 2004



DONALD SPARKS

Supervisory Patent Examiner

Technology Center 2100